

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

<i>HEARTLAND HUMAN SERVICES</i>)	
)	
)	
v.)	Case No. 14-CA-118716
)	
<i>AMERICAN FEDERAL OF STATE,</i>)	
<i>COUNTY AND MUNICIPAL</i>)	
<i>EMPLOYEES (AFSCME), COUNCIL</i>)	
<i>31, AFL-CIO</i>)	

RESPONDENT'S RESPONSE TO
NOTICE TO SHOW CAUSE

I. INTRODUCTION

On December 10, 2013, the American Federation of State, County, and Municipal Employees Council 31, AFL-CIO (hereinafter "the Union") filed a charge against Heartland Human Services. In its charge, the Union alleged violations of the Act. The Regional Director issued a Complaint and Notice of Hearing on January 24, 2014. Thereafter, Heartland filed an Answer on January 31, 2014.

On February 5, 2014, Counsel for Acting General Counsel (hereafter "General Counsel") filed a Motion for Summary Judgment and Brief in Support.

On February 6, 2014, the Board entered its Order Transferring Proceeding to the Board and Notice to Show Cause.

II. ARGUMENT

As stated in its response to General Counsel's Motion for Summary Judgment, Heartland agrees that this case can be decided on the law and that there are no genuine issues of material fact in dispute. As mentioned in its initial response, Heartland submits that the outcome of this

case will be controlled by the decision of the U.S. Court of Appeals for the Seventh Circuit in Case Nos. 13-1954 and 13-2079. In those cases the Seventh Circuit has before it the Board's applications for enforcement in Case No. 14-CA-07886 and 14-RD-063069 and Heartland's cross-application for enforcement in the same cases. The result of the Seventh Circuit proceeding will control the results of this case. Thus, Heartland suggests the Board consider a stay of the instant case pending the outcome of the proceedings before the Seventh Circuit. Indeed, the Board has sought a stay of another enforcement action in Case No. 13-3706 before the Seventh Circuit (14-CA-096323) in which the dispositive issue is the same as in the instant case.

Heartland also urges the Board to enter summary judgment in its favor on the grounds that the Union does not enjoy majority support of the bargaining unit as was proved by the decertification election which took place on June 4, 2012. That election is the subject matter of Case No. 14-CA-07886 now pending before the Court of Appeals for the Seventh Circuit.

As Heartland has argued before, the Union lost the decertification election and the Board erred in upholding the election challenges and ordering a new election. Heartland stands on its legal position in that case (14-CA-07886) as the basis for its legal position in the instant case.

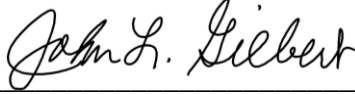
Every member of the collective bargaining unit voted in the decertification election held June 4, 2012, the Union lost, and the Board erred in upholding the objections to the election and ordering a new election. Heartland has made these arguments in prior proceedings and requests that the Board take official notice of its arguments in order that they need not be repeated here.

WHEREFORE, Heartland Human Services respectfully requests that the National Labor Relations Board enter summary judgment in favor of Heartland Human Services or, in the

alternative, stay further proceedings pending the outcome of the enforcement actions now before the Court of Appeals.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that a copy of the foregoing was sent by electronic mail this 19th day of February, 2014, to the following:

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